

[0:00:06]

CALL TO ORDER

Chair Hergert called the meeting to order at 6:32 pm.

ROLL CALL

Present: Whitney Hergert, Sam Van Dyke, Loren Behrman, Jimmy Bogroff, Barbara Brennan, Debra Berry, and Tony Walters (joined meeting at 7:03 pm via Zoom)

Excused: None

Staff Present: Jolynn Becker, City Manager; Angie Lanter, City Recorder/Assistant City Manager; Dan Kearns, City Attorney; Keegan Gulick, City Planner; Don Odermott, Transportation Engineer; Shayna Rehberg, City Planner

[0:00:28]

APPROVAL OF MINUTES

1. Approval of minutes from the July 30, 2024 meeting

[0:00:36]

Commissioner Bogroff moved to approve the July 30, 2024 meeting minutes as presented. **Commissioner Van Dyke** seconded the motion, which passed unanimously.

2. Approval of minutes from the August 8, 2024 meeting

[0:00:53]

Commissioner Bogroff moved to approve the August 8, 2024 meeting minutes as presented. **Commissioner Behrman** seconded the motion, which passed unanimously.

[0:01:25]

PUBLIC HEARING

1. The City of Banks

Type IV Annexation (AN 24-01) – Southeast Rights-of-Way

Link to view [August 27, 2024 Public Hearing Staff Report and Materials](#)

Link to view [AN 24-01 Annexation Application – Southeast Rights-of-Way](#)

a. Shall the Planning Commission make a recommendation to the City Council to approve the Type IV Annexation (AN 24-01) – Southeast Rights-of-Way?

[0:01:54]

Chair Hergert opened the public hearing at 7:04 pm.

[0:03:55-0:14:54]

City Attorney Kearns read the conduct of a quasi-judicial hearing format.

[0:15:40]

Chair Hergert declared for the record that she worked for Washington County Land Use and Transportation but that did not present a conflict.

Commissioner Behrman recused himself from all the public hearings regarding the east side development due to a potential conflict of interest. He stepped down from the dais.

Chair Hergert confirmed that no other Commissioners had any new ex-parte contacts, conflicts of interest, or biases to declare. No member of the audience challenged any member of the Commission.

Chair Hergert called for presentation of the Staff report.

[0:17:52]

City Planner Gulick presented the right-of-way (ROW) annexation application and noted no development was proposed and emphasized it was separate from the Aerts Addition Master Plan Development.

[0:22:19]

Chair Hergert called for public testimony.

Janice Harris, Banks, spoke to concerns about flooding on her property from the new development. She asked if her property could be annexed as well.

Frank Lundin, Banks, spoke to concerns about a future roundabout and whether it would take any of his property.

City Planner Gulick clarified that this portion of the hearing concerned only moving a portion of the City's boundary to encompass the ROWs and did not concern development. Staff advised Ms. Harris to consult with City Manager Becker about the annexation of her property if the decision was made tonight to annex the ROW. The stormwater issues would be best addressed in the subsequent hearing.

Chair Hergert closed the public testimony portion of the hearing and confirmed there was no Commission deliberation.

[0:30:06]

Commissioner Bogroff moved to approve the annexation of the Southeast Rights-of-Way.

Commissioner Berry seconded the motion, which passed 6 to 0.

[0:30:30]

Commissioner Walters joined the meeting at 7:03 pm and voted for the annexation.

City Planner Gulick stated the application would be heard at the City Council's September 10th meeting for a final decision.

2. The Holt Group

Type IV Comprehensive Plan Map Amendment (CPA 24-03) and Zoning Map Amendment (ZMA 24-02)

Link to view [August 27, 2024 Public Hearing Staff Report and Materials](#)

Link to view [MPD 24-02 Aerts Addition Master Plan Land Use Application](#)

- a. Shall the Planning Commission recommend approval with conditions, or denial of the Type IV Comprehensive Plan Map Amendment (CPA 24-03) and Zoning Map Amendment (ZMA 24-02) to the City Council?

Type III Master Plan Development “Package” consisting of Master Planned Development (MPD 24-02), Site Design Review (SDR 24-02), Conditional Use (CU 24-01), Property Line Adjustment (PLA 24-01), and Subdivision (SUB 24-02).

Link to view [August 27, 2024 Public Hearing Staff Report and Materials](#)

Link to view [MPD 24-02 Aerts Addition Master Plan Land Use Application](#)

- a. Shall the Planning Commission approve the Type III Master Planned Development “Package” consisting of Master Planned Development (MPD 24-01), Site Design Review (SDR 24-02), Conditional Use (CU 24-01), Property Line Adjustment (PLA 24-01), and Subdivision (SUB 24-02)?

[0:31:05]

Chair Hergert asked if the Commissioners had any new ex-parte contacts, conflicts of interest, or biases to declare.

Commissioner Bogroff disclosed that he had served on the School District’s Long-Range Planning Committee and had a fundamental understanding of the proposed City park.

Commissioner Van Dyke stated he had a potential conflict of interest and recused himself from both public hearings. He stepped down from the dais.

No member of the audience challenged any member of the Commission.

Chair Hergert called for the Staff Report.

[0:32:25-1:18:06]

City Planner Rehberg and **Transportation Engineer Odermott** presented the seven applications for the Aerts Addition, conditions of approval still under discussion, key transportation safety and capacity milestones, and resequencing of the conditions of approval and wordsmithing in the application. Staff recommended approval of the requests.

Staff addressed clarifying questions and provided further details about parking, tree removal, improvements and changes to Aerts Rd and the roundabout, access to and height of the bike-
Planning Commission Meeting Minutes
August 27, 2024

pedestrian overcrossing, traffic capacity, potential collector and crossing changes if the railroad were abandoned in the future, impacts of the sale and development of the Hampton Lumber Mill, and setbacks for the townhomes.

[1:26:19]

Chair Hergert called for the Applicant's testimony.

Rian Tuttle, President, Holt Homes, and Mimi Doukas, Principal, AKS Engineering, for the Applicant, gave a presentation on key points of which included letters of support, community benefits such as the park and sports fields, open space and ponds, and community pathways, gardens, play areas, trails, Comprehensive Plan zone-change amendments, the development agreement regarding infrastructure, roadway improvements, and adjustments to minimum lot size, clarification on setbacks, and exceptions for block lengths.

[2:19:52]

The Applicant team addressed comments and questions from Commissioners and members of the public with the following key comments:

- Improvements would be made along Washington Ave to provide for proper drainage for Ms. Harris' property.
- No additional ROW dedication was needed on the south side of the roundabout or on the south side of Hwy 6.
- The on ramp to Hwy 6 was not a component of the analysis Kittelson and Associates, Inc. was asked to conduct. The vast majority of the site-generated trips would go east to Hwy 26 toward Portland for jobs and retail.
- The AM and PM Peak Hours were analyzed for school trips and the Applicant team anticipated the majority of trips into the city would be school based.
- The trigger based on capacity and queueing for moving from a single-lane to a double-lane roundabout was hard to predict, but the expectation was that a 2042 buildout of 955 units would generate a capacity of 70 percent of the roundabout and full buildout of the city beyond this project would generate a 90 percent capacity. ODOT wanted a capacity no greater than 85 percent.
- No plan existed to extend NW Scottston Terrace or NW Rose Ave for vehicles, nor any plan to extend ROWs for vehicles. The Arbor Village neighborhood had concerns about possible connections. The Applicant wanted flexibility for the future for pedestrians and bikes, especially if the railroad property were to become a regional trail or an extension of the Banks-Vernonia Trail. Having vehicles travel there would require a robust public process to address community concerns and would require a land-use process by the City.
- The goal for starting to move dirt for the project would be late spring or early summer of 2025.
- The traffic engineers recognized the seasonality of traffic and were required by ODOT to seasonally adjust the volume. Traffic counts were collected at all times of the year, but the Applicant was not required nor asked to do a weekend traffic analysis.

- The schedule presented was the most optimistic for building the proposed 929 units. The zone allowed for additional density. The Applicant would have to come back to the City to add units and that was not their plan, though it was not off the table.
- The School District was working on the Bond Measure improvements and the Applicant was aware that the School District had heard from the community about circulation issues, and it was a priority that the District was motivated to solve. The proposed project could not necessarily fix the circulation problem.

[2:08:06]

Chair Hergert called for public testimony.

Brian Sica, Superintendent of Schools, Banks School District, spoke about the preparation of the Bond Measure, part of which concerned traffic circulation. He highlighted the impact the new development would have on enrollment stability and employment in the city. Running the new park cooperatively with the City would increase revenue from out-of-town teams, meaning the cost would not be passed on to community members.

Jacob Pence, Principal, Banks High School, noted graduating students were not necessarily being replaced by new students moving into the District. He had spoken to alumni who wanted to move back to Banks but could not find places to live. He appreciated the cooperation with the School District.

Will Moore, Banks, spoke to the sustainability of Banks at its current population level. He understood the concerns about the new development, but he believed it was valuable and helpful to the community.

Brenda Herinckx, Sunset Park, Banks, expressed thanks on behalf of Sunset Park for approval of the Covenants, Conditions & Restrictions (CC&Rs) on the West Side Development and requested the Commission do the same with the East Side Development and any future development in regard to noise and other activities related to the park.

[2:18:42]

Entered into the record were:

- A letter submitted by the Fair Housing Council of Oregon dated August 23rd.
- A letter submitted by the Housing Land Advocates in support.
- An email from the Banks Youth Soccer Association dated August 26th in support.
- A letter from the Quail Valley Golf Course dated August 19th in support.
- A letter from the Banks School District in support.

[2:20:01]

Chair Hergert stated tonight's hearing would be continued to a special meeting on September 3rd at 7 pm for the Applicant's final rebuttal, final Staff comment, and Planning Commission deliberation and decision. Only written comments would be accepted after tonight and were encouraged to be submitted as soon as possible.

Additional answers to Commission questions by the Applicant were as follows:

- The Applicant and Staff agreed a pedestrian connection on the long block on NW Blue Jay Blvd would be less safe than none at all. Pedestrian connections were added on most of the other blocks.
- Regarding a suggestion to rename NW Blue Jay Blvd to Quail Valley Blvd, Staff noted the County had a process for street naming and “Quail” had been used many times. The City had the opportunity to name the new park. Staff would contact the County about the possibility of renaming NW Blue Jay Blvd.
- Concerning potential issues with field lighting in the park and nearby homeowners, Staff noted sports lighting now had precise cut-off lines and was very directional. Also, a wide railroad track provided separation, and a grade differential existed as well. The School District and the City would have control over the lights.
- Neighbors were being contacted about the construction. The City had ordinances pertaining to construction start and stop times.

[2:25:59]

Dana Krawczuk, Land Use Attorney, Stoel Rives, read into the record a draft condition of approval requiring noticing neighbors of potential noise from the park.

City Manager Becker stated she would notify Sunset Park about the condition and confirmed notice would be sent to adjacent neighbors regarding the construction.

[2:34:36]

Chair Hegert closed the hearing record at 9:07 pm.

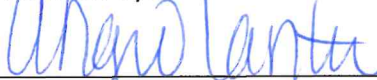
[2:35:04]

Commissioner Bogroff moved to continue the public hearing to September 3, 2024, at 7:00 pm date certain. **Commissioner Brennan** seconded, which passed 5 to 0.

ADJOURNMENT

The meeting adjourned at 9:07 pm.

Submitted by:



Angie Lanter, MMC

City Recorder/Assistant City Manager